

TRAFFIC ACCIDENT RESPONSE

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Eric K. Hutchings

This act modifies the Motor Vehicles Code by requiring a peace officer to use the quickest available means to remove or cause to be removed a vehicle from the highway that is causing a safety hazard, traffic delays, and will result in significant delays to the traveling public. This act requires the Department of Public Safety to make rules to implement these provisions.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-6-102, as last amended by Chapter 202, Laws of Utah 2001

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6-102** is amended to read:

41-6-102. Peace officer authorized to move vehicle.

(1) If a peace officer finds a vehicle in violation of Section 41-6-101, the officer may move the vehicle, cause the vehicle to be moved, or require the driver or other person responsible for the vehicle to move the vehicle to a safe position off the highway.

(2) A peace officer may remove or cause to be removed to a place of safety any unattended vehicle left standing upon any highway in violation of this article or in a position or under circumstances that the vehicle obstructs the normal movement of traffic.

(3) In accordance with Section 41-6-102.5, a peace officer may remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

(a) the vehicle has been reported stolen or taken without the consent of its owner;
(b) the person responsible for the vehicle is unable to provide for its custody or removal; or

(c) the person operating the vehicle is arrested for an alleged offense for which the



28 peace officer is required by law to take the person arrested before a proper magistrate without
29 unnecessary delay.

30 (4) (a) If a peace officer determines that a vehicle must be removed either as a result of
31 a crash or otherwise in accordance with this chapter, the peace officer shall remove or cause the
32 vehicle to be removed by the quickest available means if:

33 (i) the incident is causing a safety hazard;

34 (ii) the incident is causing traffic delays; and

35 (iii) the traffic volume adjacent to the incident would result in significant delays to the
36 traveling public if the vehicle is not removed by the quickest available means.

37 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
38 department shall make rules for the implementation of this Subsection (4) in a uniform manner
39 throughout the state. The rules shall:

40 (i) provide strict response time performance standards for tow truck motor carriers
41 contacted in accordance with this Subsection (4);

42 (ii) provide an exception to any rules for the rotation of tow truck motor carriers in
43 conflict with this Subsection (4); and

44 (iii) allow a qualified tow truck in the proximity of the incident to respond if necessary.

Legislative Review Note

as of 2-7-03 2:17 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Traffic Accident Response***21-Feb-03***Bill Number HB0284***2:18 PM*

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst